

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FABIAN D SMART,

Petitioner

v.

LOUIS S FOLINO, et al.,

Respondents

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CIVIL NO. 3:CV-10-1447

(Judge Caputo)

O R D E R

AND NOW, this **2nd** day of **APRIL, 2015**, for the reasons set forth in the foregoing Memorandum, **IT IS ORDERED THAT:**

1. The petition under 28 U.S.C. § 2254 is **DISMISSED**.
2. A certificate of appealability is **DENIED**.
3. Respondents' Motion for Extension of Time to File Documents requested by the court (Doc. 22) is **DENIED** as **MOOT**. Respondents' subsequently either filed all necessary documents the court needed to resolve Mr. Smart's habeas petition or the court was able to locate the documents via access to online legal research services.
4. The Clerk of Court shall mark this matter **CLOSED**.

/s/ A. Richard Caputo
A. RICHARD CAPUTO
United States District Judge